

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,000.00 FROM FUND NUMBER 1A01 (GENERAL FUND) ACCOUNT NUMBER 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL) TO THE M&J SOLVENTS POTENTIALLY RESPONSIBLE PARTY GROUP THROUGH THEIR ATTORNEYS, KING AND SPALDING LLP, IN SETTLEMENT OF THEIR CLAIMS AGAINST THE CITY OF ATLANTA

WHEREAS, the City of Atlanta Department of Corrections sent small amounts of hazardous waste to the M&J Solvents Site (the "Site") in Atlanta, Georgia from the 1960s until the 1990s; and

WHEREAS, the Site was listed by the Georgia Environmental Protection Division ("EPD") on the Hazardous Site Inventory ("HIS") pursuant to the provisions of the Georgia Hazardous Site Response Act ("HSRA") because the Site is contaminated with many types of hazardous substances; and

WHEREAS, the EPD has determined that the contamination must be remediated to acceptable standards; and

WHEREAS, M&J solvents is bankrupt; and

WHEREAS, a group of parties who sent more than 100,000 gallons of waste to the Site, known as the M&J Solvents Potentially Responsible Party Group (the "PRP Group"), has taken the lead in submitting a plan to EPD for cleanup of the Site; and

WHEREAS, it is in the best interests of the City of Atlanta to enter into a De Minimis Settlement Agreement and make a single payment of \$2,000 to the PRP Group in order to resolve all claims relating to payment of the cost of cleanup, payment of natural resource damages, participating for many years in paying for and monitoring the process of cleanup, participating in the meetings to agree upon a method to allocate the costs of the cleanup among all Responsible Parties, avoiding the time and costs associated with review, comment and legal advice regarding a consent order with EPD for cleanup of the Site, avoiding payment for the costs of cleanup that cannot be paid by bankrupt or insolvent parties, avoiding further reporting to a client or company auditor on the status of site cleanup, and expected future costs, avoiding any penalties imposed by EPD associated with problems relating to cleanup of the Site, avoiding claims by third parties for cost of cleanup of properties contaminated by releases from the M&J Site, avoiding the cost of a claim or lawsuit filed by the PRP Group or EPD against any party who

does not pay for the cleanup, and avoiding the additional costs which could result from the failure of any cleanup remedy to meet the stringent EPD cleanup standards.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the City Attorney is hereby authorized on behalf of the City of Atlanta to enter into a De Minimis Settlement agreement with the M&J Solvents Potentially Responsible Party Group through their attorneys, King and Spalding LLP in the amount of two thousand dollars (\$2,000) to end all liability of the City of Atlanta for the cost of cleanup of the Site.

Section 2: That the Chief Financial Officer be and is hereby authorized to pay, upon presentation and approval by the City Attorney the above mentioned sum from Fund Number 1A01 (General Fund) Account Number 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental). Payment shall be in the form of a check in the amount of \$2,000, payable to King and Spalding LLP.

Section 3: That the City Attorney is authorized to prepare the appropriate releases.